

REMARKS

With this amendment, claims 14-22, and 44-77 are pending. Claims 47-51 and claims 54-77 were previously withdrawn. However, upon allowance of claim 14, Applicants respectfully request that the Examiner consider the allowance of claims 47-51 as well.

Claims 14-16, 18, 20-22 and 44 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hayford et al. (U.S. Patent No. 3,585,998). Claims 17, 45-46, and 52-53 stand rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being obvious in view of Hayford et al. (U.S. Patent No. 3,585,998). Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayford et al. (U.S. Patent No. 3,585, 998) in view of Vega et al. (U.S. Patent No. 6,153,209) and Krzysik et al. (International Publication No. WO 00/64500).

Claims 14-28, 20-22, 44-46, and 52-53 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 12-17 and 20-23 of copending Application No. 09/990,686 (2003/0106605). Further, claim 19 stands provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 12-17 and 20-23 of copending Application No. 09/990,686 (2203/0106605) in view of Vega et al. (U.S. Patent No. 6,153,209) and Krzysik et al. (International Publication No. WO 00/64500).

Further, in the Office Action dated July 5, 2005, it was also noted that claims 14-22, 44-46, and 52-53 are directed to an invention not patentably distinct from claims 12-17 and 20-23 of commonly assigned 09/990,686 (2003/0106605). However, the

statement of common ownership filed April 12, 2004, was indicated as insufficient to remove the issue of common ownership because it did not identify which invention is referred to by “at the time of the invention” as is set forth in MPEP 706.2(I)(2)(II).

Concerning the issue of common ownership, Applicants respectfully submit that both U.S. Application Serial No. 09/990,686 and the current application were subject to an obligation of assignment to Kimberly-Clark Worldwide, Inc. at the time the invention of U.S. Application Serial No. 09/990,686 was made.

Regarding the provisional rejections based on commonly assigned U.S. Application Serial No. 09/990,686, Applicants inadvertently stated that the terminal disclaimer was being filed with the June 9, 2005 response. Without commenting on the propriety of the provisional double-patenting rejection, Applicants will prepare and submit a terminal disclaimer at such time when the pending claims are otherwise allowable.

Regarding the rejection of independent claim 14 as being anticipated by Hayford et al., Applicants respectfully submit that Hayford et al. does not disclose having a medicinal composition that is adjacent and in contact with the porous material of the surface of the topsheet.

Independent claim 14 as amended is directed to an absorbent article comprising a topsheet and absorbent material positioned adjacent to the topsheet. The topsheet has a surface adapted to face a body, and the topsheet comprises a porous material. The topsheet has medicinal composition applied in a pattern upon the surface of the topsheet in an effective amount wherein the medicinal composition is adjacent and in contact with the porous material. The pattern of the medicinal composition comprises a

matrix of discrete segments with each discrete segment having a volume of between 3 picoliters and about 400 nanoliters.

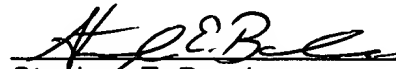
Hayford et al. discloses a disposable diaper having a centrally located absorbent core, a moisture-impermeable exterior liner, and a moisture-permeable interior liner having on its surface an array of spherically shaped pressure rupturable capsules containing liquid baby oil. (See, Col. 6). Each individual capsule has a solid external phase made of cell wall material as well as a liquid internal phase, i.e. the baby oil formulation. (See, Col.1, lines 22-39). Hayford et al. does not disclose having a medicinal composition adjacent and in contact with the porous material of the topsheet. The solid capsule walls of Hayford et al. encapsulate the baby oil formulation and keep it from contacting the porous material until after rupture. The solid capsule walls are a separate and distinct material from the liquid baby oil formulation as illustrated in the discussion in Hayford et al. of the broken capsule wall pieces that create local irritation. (See, Col. 1, 59-69).

By contrast, the medicinal composition called for in claim 14 is not encased in a capsule wall, but rather contacts the porous material. The stabilizers, modifiers, and agents used to help keep the medicinal composition in its discrete segments in the present application are included as an integral part of the medicinal composition. (See, paragraph [0037] of the U.S. Patent Publication of the present application). These stabilizers, modifiers, and agents are not separate materials, but are parts of the medicinal composition itself. Therefore, Applicants respectfully submit that Hayford et al. does not anticipate independent claim 14.

For at least these reasons set forth above, independent claim 14 patentably defines over the cited prior art. Claims 15-22, 44-46, and 52-53 depend from independent claim 14. Therefore, these claims are also allowable. Applicants respectfully submit that the application is now in condition for allowance and favorable action thereon is respectfully requested. The Examiner is encouraged to call the undersigned at her convenience to resolve any remaining issues.

Respectfully submitted,

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